

## MEMORANDUM OF NON-DRILLING OIL AND GAS LEASE

West Virginia

The undersigned David L. Myers and Cynthia L. Myers, his wife  
of RR 2 BOX 376C Moundsville, West Virginia 26041

as Lessor and **TriEnergy Holdings, LLC**, P.O. Box 89, Sewickley, PA 15143, as Lessee, entered into an Oil and Gas Lease as of the 23<sup>rd</sup> day of September, 2010. Said lease covers all that certain tract of land situate in the District of Clay, in Marshall County, State of West Virginia, bounded and described generally as follows:

On the North by: n/f:

On the East by: n/f:

On the South by: n/f:

On the West by: n/f:

Tax Parcel No: 4-2-52.10

Containing 1.63 acres, more or less, being the same land conveyed by \_\_\_\_\_ and recorded in the records of said county in Books 624, Pages 126.

Under the terms of the aforesaid lease, the said property was leased by Lessor to Lessee for a term of Five (5) years from the date thereof and so long thereafter as oil or gas are produced from said land in paying quantities or the lease is otherwise maintained pursuant to the provisions thereof.

Under the terms of said lease, the Lessee has a first option to renew the lease for a further like term, which option must be exercised within sixty (60) days of the expiration of the initial primary term of said lease.

Dated: September 23, 2010.

WITNESS:

Diane M. BobbittDorothy W. Wines

Jan Pest  
MARSHALL County 12:43:16 PM  
Instrument No 1296854  
Date Recorded 12/14/2010  
Document Type O&G  
Pages Recorded 2  
Book-Page 717-402  
Recording Fee \$5.00  
Additional \$6.00

LESSOR:

David L. Myers (SEAL)  
David L. Myers

Cynthia L. Myers (SEAL)  
Cynthia L. Myers

Approved by:

Joseph E. Bojalad, President**TriEnergy Holdings, LLC**

State of WV )  
County of Marshall )

ss:

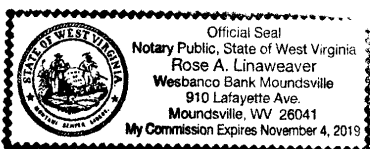
On the 23<sup>rd</sup> day of September in the year 2010, before me, the undersigned, a Notary Public in and for said state, personally appeared David L. Myers and Cynthia L. Myers, his wife

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 11/04/2019

Rose A. Linaweaver  
Notary Public



State/Commonwealth of: Pennsylvania CORPORATION  
 County of: Allegheny ss:

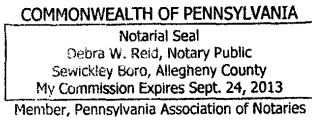
Before me a Notary Public in and for said county and state personally appeared: Joseph E. Bojalad the President of TriEnergy Holdings, LLC the above named corporation, who acknowledged to me that they did execute the foregoing instrument for and on behalf of said corporation, pursuant to authority so to do of said corporation and that the same is the free act and deed of said corporation and of themselves as such officers, for the uses and purposes therein set forth.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at Sewickley, PA this 9th day of December, 2010.

My Commission expires: 9/24/2013

Notary Public

Debra W. Reid



STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 23rd day of September, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 14th day of December, 2010 at 12:43 o'clock P.M.

TESTE:

Jan Pest

Clerk.